

JIM GIBBONS
Governor

MICHAEL J. WILLEN
Director



RICHARD WHITLEY, M.S.
Administrator

TRACEY D. GREEN, M.D.
State Health Officer

STATE OF NEVADA
DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH DIVISION

BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE

☐ Health Facilities/Lab Services
1550 College Parkway
Suite 158
Carson City, Nevada 89706
(775) 687-4475
Fax: (775) 687-6588

☐ Health Facilities/Lab Services
4220 S. Maryland Parkway
Suite 810, Building D
Las Vegas, Nevada 89119
(702) 486-6515
Fax: (702) 486-6520

☐ Radiological Health
4150 Technology Way
Suite 300
Carson City, Nevada 89706
(775) 687-7550
Fax: (775) 687-7552

☐ Radiological Health
2080 E. Flamingo
Suite 319
Las Vegas, Nevada 89119
(702) 486-5260
Fax: (702) 486-5024

**NOTICE OF INTENT TO REVOKE LICENSE AND IMPOSE MONETARY
PENALTIES AND DIRECTED PLAN OF CORRECTION**

HAND DELIVERY

December 2, 2009

Carol Hunt, Executive Director
Chancellor Gardens of the Lakes
2620 Lake Sahara Drive
Las Vegas, NV 89117

YOU ARE HEREBY NOTIFIED that the HEALTH DIVISION intends to revoke your license to operate a Residential Facility for Groups, specifically, Chancellor Gardens of the Lakes, license #NVS2489AGC, effective 11 working days after your receipt of this notice.

Statutory or Regulatory Authority

The Health Division is revoking your license in accordance with Nevada Revised Statutes (NRS) 449.160(1)(a) and (d) and in accordance with Nevada Administrative Code (NAC) 449.0118(1) and (8). NRS 449.160(1)(a) and (d) authorizes the Health Division to revoke a license based on violations of statutes or regulations and conduct or practice detrimental to the health or safety of the occupants. NAC 449.0118(1) authorizes the Health Division to revoke a license for the failure of a licensee to comply with any of the provisions of the regulations adopted by the State Board of Health. NAC 449.0118(8) authorizes the Health Division to revoke a license for the abuse, neglect or exploitation of a person who is infirm, mentally retarded, or who is 60 years of age or older. Finally, NAC 449.27706(3) provides that the Health Division may revoke a license if the facility fails to submit a timely application and fee for a re-survey after receiving a "D" grade.

The Health Division is imposing sanctions on your facility in accordance with NRS 449.163 through 449.170 and NAC 449.9982 through 449.99939. The imposition of sanctions is based on the severity and the scope of the deficiency as defined by NAC 449.99861 and NAC 449.9986. The severity and scope scores assigned to the deficiencies are provided in attachments A, B and C.

Facts Supporting the Revocation

The Bureau of Health Care Quality and Compliance (BHCQC) conducted a complaint investigation from 9/19/09 to 9/24/09. An immediate jeopardy situation regarding missing resident medications was declared and the facility submitted a corrective action plan on 9/24/09 which indicated that resident medications would be available at all times. The specific factual findings that serve as the basis of the underlying deficiencies are set forth in the Statement of Deficiencies (SOD) (Attachment A). The facility received a "D" grade and is required to submit an application and fee for a resurvey. The facility has failed to submit a timely application. The facility submitted a formal plan of correction (POC) on 11/6/09 that was acceptable. That POC also indicated that resident medications would be available at all times. An additional complaint investigation was conducted from 10/20/09 to 11/2/09 and BHCQC again identified deficiencies involving missing resident medications and discovered that three residents were hospitalized as a result. Another immediate jeopardy was declared by BHCQC. The facility submitted a corrective action plan on 10/22/09 that again indicated that resident medication would be available at all times. On 11/6/09 BHCQC issued a verbal ban on admissions for continued non-compliance regarding resident medications and a formal written notice was delivered on 11/8/09. The facility did not appeal the ban on admissions. The specific factual findings that serve as the basis of the underlying deficiencies are set forth in the SOD (Attachment B). The facility has not submitted a formal POC for the complaint investigation at this time. An additional State Licensure survey was conducted on 11/18/09 and 11/19/09 in which BHCQC again identified deficiencies involving missing resident medications. The specific factual findings that serve as the basis of the underlying deficiencies are set forth in the SOD (Attachment C). Based on the outcome of the investigations and survey, the facility is neglecting the medical needs of the residents and the residents are not safe because the facility is unable to ensure that residents receive their prescribed medications.

Monetary Penalties

NAC 449.99895 authorizes BHCQC to impose monetary penalties. BHCQC is imposing monetary penalties of \$300 assessed for each repeat deficiency at TAG Y103 and Y936 also cited in the survey dated 2/5/09. BHCQC is imposing monetary penalties of \$1500 assessed for the repeat deficiency at TAG Y515 also cited in the survey dated 7/29/09. BHCQC is imposing monetary penalties of \$1500 for the repeat deficiency on 11/19/09 at Tag Y878 and \$1200 for the repeat deficiency at Tag Y895 also cited in the survey dated 11/2/09. NAC 449.99902(2) requires that, for each repeat deficiency present within 18 months after an initial deficiency, the monetary penalty must be computed at the rate of one and one-half times the rate that was or could have been assessed initially for a deficiency of that severity and scope.

BHCQC is imposing initial penalties of \$800 assessed for the deficiency at TAG Y255 in the survey dated 11/19/09 and Tag Y895 for the deficiency cited in the survey dated 11/2/09. NAC 449.99899(3) indicates for initial deficiencies with a severity level of three and a scope level of three an initial monetary penalty of \$800 per deficiency must be imposed.

BHCQC is imposing initial penalties of \$1000 assessed for each deficiency at TAG Y050, Y590, and Y878 in the survey dated 11/2/09. NAC 449.99899(2) indicates for initial deficiencies with a severity level of four an initial monetary penalty of \$1,000 per deficiency must be imposed.

BHCQC is imposing initial penalties of \$400 assessed for the deficiency at TAG Y813 cited in the survey dated 11/2/09. NAC 449.99899(4) indicates for initial deficiencies with a severity level of three and a scope level of two or less, an initial monetary penalty of \$400 per deficiency must be imposed.

Total of Monetary Penalties = \$9800

NAC 449.99904 indicates the requirements for reduction of the penalty.

NAC 449.99908 indicates the time allowed for the payment of the penalty.

NAC 449.99911 indicates the possible consequences for failure to pay the penalty.

Directed Plan of Correction

NAC 449.9987(2) authorizes BHCQC to develop a directed plan of correction with which the facility must comply. If the facility chooses to appeal this notice, the facility is directed to do the following as part of BHCQC's directed plan of correction within 30 days of receipt of this notice:

1. Ensure resident medications are available at all times.
2. Hire additional qualified medication technicians so there is one medication technician per 25 residents.
3. Hire an additional registered nurse to help oversee the medication administration program.
4. Submit to a medication program review by the BHCQC consultant and follow through with her recommendations once those recommendations have been approved by BHCQC.
5. Ensure all the medication technicians attend a medication administration re-training course offered by the BHCQC consultant.
6. Continue using paper medication records while the medication technicians are being re-trained on the computerized system.

Notice of Right to Appeal

NRS 449.170(2) affords the facility the right to contest the action of the Health Division. If you wish to oppose this action, you must send a written appeal to Richard Whitley, MS, Health Division Administrator, 4150 Technology Way, Suite 300, Carson City, Nevada 89706. You can fax your written appeal to (775) 684-4211.

In order for you to receive a hearing, the Administrator must receive this written appeal by 5:00 pm on the 10th working day after you have received this notice. The local BHCQC office cannot accept your appeal. Your written appeal must include the following information: a) the action to be contested; b) the name of the Division officer or employee who signed this notice; c) the reasons that the appellant believes the action is incorrect; and d) whether or not the appellant is seeking an informal internal resolution prior to the formal appeal process.

You are entitled to be represented by counsel at your own expense in these proceedings. If you retain an attorney, your counsel must notify the Administrator of his or her representation of you.

Effective Date of Sanction

If you submit a timely request for appeal, the effective date of the license revocation will be stayed, pending the hearing on appeal. If you do not request a hearing within the next ten working days, you will waive your rights to a hearing and the action will be imposed as of the 11th working day after you receive this notice. NAC 439.348 indicates that, except as otherwise provided in NAC 449.99908, the effective date of the disciplinary action is stayed upon receipt of an appeal until the hearing officer renders a decision regarding the appeal.

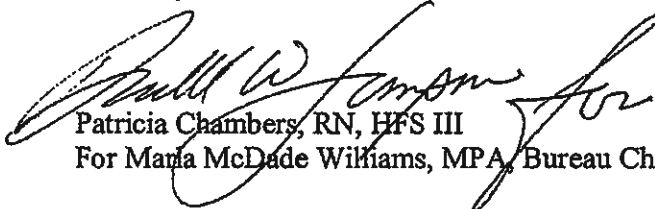
When this revocation action becomes effective, you must facilitate the placement of residents who are now in your facility into appropriate settings in accordance with NRS 449.700. During the relocation you must provide BHCQC all information concerning discharge of the residents, including: a copy of the notice described in NRS 449.700(2), when the resident was moved, where the resident is now located, and information concerning the next of kin or responsible party for each resident.

Other Notifications

The Bureau of Health Care Quality and Compliance must upload information about sanctions applied to medical facilities to the Healthcare Integrity and Protection Data Bank within 30 days of providing the sanction notice to the facility.

If you have any questions about this notice or the contents therein, please call the supervisor indicated below at (775)687-4475.

Sincerely,


Patricia Chambers, RN, HFS III
For Maria McDade Williams, MPA, Bureau Chief

Attachments: 9/24/09 SOD – Attachment A
11/2/09 SOD – Attachment B
11/19/09 SOD – Attachment C

cc: Richard Whitley, Administrator
Mary Wherry, Deputy Administrator
Linda Anderson, Deputy Attorney General

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December 2, 2009

VERIFICATION OF HAND DELIVERY

The undersigned, an employee of the Bureau of Health Care Quality & Compliance, did deliver the following document(s) to Chancellor Gardens of the Lake

Documents: Notice of Intent to Revoke License and Impose Monetary Penalties and Directed Plan of Correction dated 12/2/09

Received by Candice Hunt Date: 12-2-09

Time: 10:50A

Delivered by Donald Sampson Date: 12-2-09

Time: 10:50AM

Public Health: Working for a Safer and Healthier Nevada